

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MEMORANDUM OPINION

This case is before the court on the motion to vacate, set aside or correct a sentence filed by Lindsey Davis pursuant to 28 U.S.C. § 2255. The magistrate judge filed his report and recommendation on April 17, 2008. On April 30, 2008, movant filed objections to the report and recommendation (doc. no. 12).

The Court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and movant's objections thereto, and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. Consequently, movant's objections are OVERRULED, and the defendant's motion for relief is due to be DENIED.

An appropriate order will be entered.

DONE this the 22nd day of July, 2008.



Lynnwood Smith

United States District Judge